

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CATALDO PIRITO	:	CIVIL ACTION
	:	
v.	:	
	:	
PENN ENGINEERING WORLD	:	
HOLDINGS, et al.	:	NO. 09-2396

ORDER

AND NOW, this 22nd day of December, 2011, upon consideration of plaintiff and counterclaim defendant Cataldo Pirito's complaint (docket entry # 1), defendants and counterclaim plaintiffs Penn Engineering World Holdings ("Penn World") and Penn Engineering & Manufacturing Corp.'s ("Penn Engineering's," and collectively, the "Penn entities'") answer to Pirito's complaint and counterclaims (docket entry # 7), Pirito's answer to the Penn entities' counterclaims (docket entry # 11), the Penn entities' motion for costs (docket entry # 30) and Pirito's response thereto (docket entry # 35), Penn World's petition to confirm arbitration award (docket entry # 31), Pirito's response thereto (docket entry # 36), the Penn entities' reply brief in support of the petition (docket entry # 39), Pirito's letter withdrawing his opposition to the petition (docket entry # 43), Penn World's letter regarding the petition (docket entry # 45), Pirito's letter regarding the petition (docket entry # 46), our July 21, 2011 Order instructing Penn

World to show cause why this Court should certify as final any judgment confirming the arbitration final award (docket entry # 49), the parties' responses to our Order to show cause (docket entries # 53 and 54), Pirito's motion to dismiss for lack of jurisdiction (docket entry # 38) and the Penn entities' responses thereto (docket entries # 41 and 42), the Penn entities' motion for partial summary judgment (docket entry # 44), Pirito's response and affidavit in opposition thereto (docket entries # 47 and 48), and the Penn Entities' reply in support of the motion for summary judgment (docket entry # 51), and in accordance with the accompanying Memorandum, it is hereby ORDERED that:

1. Pirito's motion to dismiss for lack of jurisdiction (docket entry # 38) is DENIED;
2. Penn World's petition to confirm arbitration award (docket entry # 31) is GRANTED AS UNOPPOSED IN PART;
3. Count III of the Penn entities' counterclaims (docket entry # 7) is DISMISSED AS MOOT;
4. The Penn entities' motion for partial summary judgment (docket entry # 44) is DENIED;
5. The Penn entities' motion for costs (docket entry # 30) is GRANTED IN PART;

6. By January 6, 2012, Pirito shall PROVIDE security for costs in the amount of \$20,000 by depositing that amount in the Registry of the Court; and

7. By January 13, 2012, the parties shall FILE briefs as to whether the Court should (1) require Pirito to post security with the Clerk of Court for the Judgment entered this day; and (2) stay these proceedings pending resolution of Pirito's appeal of the September 18, 2009 Award.

BY THE COURT:

___\s\Stewart Dalzell